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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA

-against-

MEMORANDUM AND ORDER
03-CR-1314-1 (DRH)

RALPH MARINO,

Defendant.
-----X

A P P E A R A N C E S:

For the Government:

Benton J. Campbell
United States Attorney
610 Federal Plaza
Central Islip, New York 11722-4454
By: Burton Ryan, A.U.S.A.

For Defendant:

Reynolds, Caronia, Gianelli, Hagney
& LaPinta, LLP
35 Arkay Drive - P.O. Box 11788
Hauppauge, New York 11788
By: Paul Gianelli, Esq.

HURLEY, Senior District Judge

Pending before the Court is an application by defendant Ralph Marino ("defendant" or "Marino") for (1), an order pursuant to 18 U.S.C. § 3583(e)(1) for early termination of supervised release or (2), if the application for early termination is denied, "for an order modifying the conditions of his supervised release as follows: (a) authorizing him to obtain a passport from the United States Department of State and (b) authorizing him to travel to New Hampshire, Pennsylvania, New Jersey and Florida without the prior permission of the department of Probation; or (c) alternatively, authorizing Defendant to travel to New

Hampshire, Pennsylvania, New Jersey and Florida upon notification to the Department of Probation, without the necessity of providing two weeks advance notice." (Sept. 4, 2008 Letter Br. in Supp. at 1.)

Defendant was sentenced by me on April 16, 2004, after a plea of guilty to Conspiracy to Commit Money Laundering, a Class C felony. He was sentenced to thirty months incarceration, to be followed by a three year term of supervised release.

DISCUSSION

Section 3583(e) provides in pertinent part:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(c), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)–

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1).

The Court has reviewed the portions of § 3553(a) referenced in § 3583(e) in conjunction with the application submitted by the defendant. See generally United States v. Lussier, 104 F.3d 32, 34-35 (2d Cir. 1997). Having done so, I decline to grant the requested early termination of supervised

release.

The alternative items of relief are denied except to the extent indicated in the attached document designated as "Supplemental Order of the Court."

SO ORDERED.

Date: October 30, 2008
Central Islip, New York

/S/
DENIS R. HURLEY, U.S.D.J.

Supplemental
ORDER OF THE COURT:

The Court orders the following in regard to the releasee's motions before this Court:

1) Application for Early Termination of Supervised Release is hereby:

DENIED: *Denis R. Hurley* 9-29-08
The Honorable Denis R. Hurley Date
Senior U.S. District Judge

APPROVED: _____ Date
The Honorable Denis R. Hurley
Senior U.S. District Judge

2) Application authorizing the releasee to obtain a passport from the U.S. Department of State is hereby:

DENIED: _____ Date
The Honorable Denis R. Hurley
Senior U.S. District Judge

APPROVED: *Denis R. Hurley* 9-29-08
The Honorable Denis R. Hurley Date
Senior U.S. District Judge

3) Application authorizing the releasee to travel to New Hampshire, Pennsylvania, New Jersey, & Florida without the prior permission of the Probation Department is hereby:

DENIED: *Denis R. Hurley* 9-29-08
The Honorable Denis R. Hurley Date
Senior U.S. District Judge

APPROVED: _____ Date
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